

expresses specifically in a specific organ, with a coding region of a gene encoding a fluorescent protein, and wherein said fluorescent protein is expressed specifically in said organ.

REMARKS

Applicants and their representatives wish to express their sincere thanks to the Examiner for the courtesies extended in the telephone conversations of February 12, 2003, as well as for the explanatory note provided in the Examiner's January 28, 2003, Advisory Action, discussing a section 112, second paragraph, issue.

Claims 1 to 30 were pending. Without prejudice or disclaimer, and solely to facilitate prosecution, Applicants have re-amended claims 8, 10, 23, and 24, as set forth in the attached appendix. The amendments introduce the phrase "wherein the transgenic see-through medaka has in its genome" in place of the phrase "having in its genome" of amended claims 8, 10, 23, and 24 in the December 17, 2002, amendments. This removes any ambiguity as to which medaka recited in claims 8, 10, 23, and 24 carry the transgene. Similarly, claims dependent from these claims, either directly or indirectly, are also clarified – namely, claims 12, 16, and 20 (dependent from claim 8); claims 14, 18, and 22 (dependent from claim 10); claims 25, 27, and 29 (dependent from claim 23); and claims 26, 28, and 30 (dependent from claim 24).

Further, there is no issue of new matter, as a pronoun is merely replaced with a noun recited in each of the re-amended claims. Moreover, the amendments involve mere cosmetic changes in grammatical phraseology, and require only nominal further consideration. M.P.E.P. § 713.09

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Applicants respectfully submit that the pending claims, as presently amended, are in compliance with 35 U.S.C. § 112, second paragraph. Thus, Applicants earnestly request reconsideration and respectfully request entry of these amendments for claims 8, 10, 23, and 24, along with the amendments for claims 2, 3, 5, 6, 7, and 9 in the December 17, 2002, amendment and response.

Conclusion

With the entry of this amendment and the amendments December 17, 2002, claims 1-30 are pending and in condition for allowance. Thus, Applicants earnestly and respectfully request timely issuance of a Notice of Allowance.

Alternatively, Applicants respectfully request an interview with the Examiner to discuss section 112, paragraph 2, issues allegedly raised or remaining.

Please grant any extensions of time required and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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APPENDIX

8. (Twice amended) A transgenic see-through medaka produced by [means of] further selective mating between the see-through medaka according to claim 2 and an iridophore deficient mutant medaka strain il-1, wherein the transgenic see-through medaka has in its genome a transgene [a specific organ is allowed to produce luminescence by introducing a hybrid gene] being a fusion of a promoter of a gene which expresses specifically in [said] a specific organ, with a coding region of a gene encoding a fluorescent protein, and wherein said fluorescent protein is expressed specifically in said organ.

10. (Twice amended) A transgenic see-through medaka produced by [means of] further selective mating between the see-through medaka according to claim 3 and a see-through medaka produced by [means of] repeated selective mating between iridophore deficient mutant medaka strain gu, albino mutant medaka strain i-3, leucophore deficient mutant medaka strain 1f, and medaka FLF strain which is deficient in leucophores in the female, wherein the transgenic see-through medaka has in its genome a transgene [a specific organ is allowed to produce luminescence by introducing a hybrid gene] being a fusion of a promoter of a gene which expresses specifically in [said] a specific organ, with a coding region of a gene encoding a fluorescent protein, and wherein said fluorescent protein is expressed specifically in said organ.

23. (Amended) A transgenic see-through medaka produced by [means of] repeated selective mating between iridophore deficient mutant medaka strain gu, albino mutant medaka strain i-3 and leucophore deficient mutant medaka strain 1f, wherein the

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transgenic see-through medaka has in its genome a transgene [a specific organ is allowed to produce luminescence by introducing a hybrid gene] being a fusion of a promoter of a gene which expresses specifically in [said] a specific organ, with a coding region of a gene encoding a fluorescent protein, and wherein said fluorescent protein is expressed specifically in said organ.

24. (Amended) A transgenic see-through medaka produced by [means of] repeated selective mating between iridophore deficient mutant medaka strain gu, albino mutant medaka strain i-3, leucophore deficient mutant medaka strain 1f and medaka FLF strain which is deficient in leucophores in the female, wherein the transgenic see-through medaka has in its genome a transgene [a specific organ is allowed to produce luminescence by introducing a hybrid gene] being a fusion of a promoter of a gene which expresses specifically in [said] a specific organ, with a coding region of a gene encoding a fluorescent protein, and wherein said fluorescent protein is expressed specifically in said organ.

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